

JAMES E. GIBBONS (*pro hac vice*)
Cal. State Bar No. 130631
**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**
801 South Figueroa Street, 15th Floor
Los Angeles, CA 90017
Tel. (213) 624-6900
jeg@manningllp.com

ROBERT W. COHEN (*pro hac vice*)
Cal. State Bar No. 150310
MARIKO TAENAKA (*pro hac vice*)
Cal. State Bar No. 273895
LAW OFFICES OF ROBERT W. COHEN, A.P.C.
1901 Avenue of the Stars, Suite 1900
Los Angeles, CA 90067
Tel. (310) 282-7586
rwc@robertwcohenlaw.com
mt@robertwcohenlaw.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHIGE TAKIGUCHI, FUMI NONAKA,
MITSUAKI TAKITA, TATSURO SAKAI,
SHIZUKO ISHIMORI, YUKO NAKAMURA,
MASAAKI MORIYA, HATSUNE HATANO, and
HIDENAO TAKAMA, individually and on behalf of
all others similarity situated,

Plaintiff,

v.

MRI INTERNATIONAL, INC., EDWIN J.
FUJINAGA, JUNZO SUZUKI, PAUL MUSASHI
SUZUKI, LVT, INC., dba STERLING ESCROW,
and DOES 1-500,

Defendants.

Case No.: 2:13-cv-01183-HDM-NJK

**ORDER AND STIPULATION FOR
CONTINUANCE OF DEADLINE
TO FILE MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
AS TO MRI INTERNATIONAL,
INC. AND EDWIN FUJINAGA**

1 Plaintiffs Shige Takiguchi, et. al. and Defendants MRI International, Inc. (“MRI”) and Edwin
2 Fujinaga (collectively the “Parties”) submit this stipulation for an order continuing the deadline for
3 dispositive motions.

4 WHEREAS, on November 17, 2017 the Court ordered Parties to file a motion for preliminary
5 approval of class action settlement no later than December 11, 2017 (Dkt. 764);

6 WHEREAS, the Parties reached a settlement in principle in September 2017 and have exchanged
7 drafts of the settlement agreement (“Class Action Settlement Agreement”);

8 WHEREAS, on November 17, 2017 Mr. Fujinaga raised, for the first time, his concern that, since
9 a receiver has been appointed by the Court in the parallel U.S Securities and Exchange Commission’s
10 action against MRI and himself (*SEC v. MRI International, Inc.*, USDC Nevada Case No. 2:13-cv-1658,
11 Dkt. 226) (“SEC Action”), he believed that he may not be authorized to enter into any settlement on
12 behalf of MRI or himself;

13 WHEREAS, on November 18, 2017, the Court appointed receiver in the SEC Action, Robb
14 Evans & Associates, confirmed its belief to plaintiff’s counsel that Mr. Fujinaga was not authorized to
15 enter into a settlement agreement with Plaintiffs and directed that Plaintiffs send a copy of the Class
16 Action Settlement Agreement to the receiver’s counsel, Lynch Law Practice;

17 WHEREAS, on November 30, 2017, the Receiver declined to enter into the Class Action
18 Settlement Agreement because he did not believe that the settlement would benefit the receivership
19 estate;

20 WHEREAS, on November 30, 2017, and December 7, 2017, Plaintiffs’ counsel met and
21 conferred with Receiver’s counsel, Michael Lynch, Esq., explaining that the order appointing receiver
22 specifically includes a carve-out provision exempting the present action from the Receiver’s control and
23 that, in any event, the settlement is in the best interest of all parties, including the receivership estate;

24 WHEREAS, the Receiver maintains its position that he is unable to authorize the settlement
25 absent direction from the Court;

26 WHEREAS, the Parties intend to file a joint motion in the SEC Action requesting direction from
27 the Court, either that the Receiver lacks authority to direct the settlement in this action, or that Judge
28 Mahan order the Receiver to enter into the Class Action Settlement Agreement;

1 NOW, therefore, the Parties jointly move that the Court enter an order providing for:

- 2 1. A 30-day continuance of the deadline to file a motion for preliminary approval to January
3 10, 2018.

4 Dated: December 8, 2017

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP

6 By: /s/ James Gibbons
7 JAMES E. GIBBONS
8 STEVEN J. RENICK
Attorneys for Plaintiffs

10 LAW OFFICES OF ROBERT W. COHEN
11 A Professional Corporation

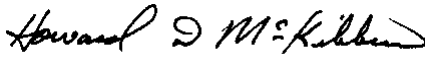
12 By: /s/ Robert W. Cohen
13 ROBERT W. COHEN
14 MARIKO TAENAKA
Attorneys for Plaintiffs

15 HITZKE & FERRAN

17 By: /s/ Erick Ferran
18 Erick Ferran
19 Attorneys for Defendant MRI International,
Inc. and Edwin Fujinaga

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 DATED: December 11, 2017


23 United States District Judge